

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
NO. 1:15-CV-00399

SANDRA LITTLE COVINGTON, *et al.*,)
)
Plaintiffs,)
)
v.)
)
STATE OF NORTH CAROLINA, *et al.*)
)
Defendants.)
_____)

NOTICE OF FILING

PLEASE TAKE NOTICE that, pursuant to the Court’s Order of July 31, 2017 (Doc. 180), the North Carolina General Assembly enacted new House and Senate districting plans as of Thursday, August 31, 2017, and hereby provide notice of such enactment and the other information requested in the Court’s Order of July 31, 2017 (Doc. 180, pp. 8-9).

I. The 2017 House Redistricting Plan

The new House districting plan was identified as House Bill 927 (“H927”) during consideration by the General Assembly and is now identified as Session Law 2017-208 and titled “2017 House Redistricting Plan A2” (hereinafter the “2017 House Redistricting Plan”) after final enactment on August 31, 2017.¹ The following documents requested by the Court related to this plan are attached:

¹ A link to the complete history of H927, including all amendments proposed, may be found at the link below:

- A map of the 2017 House Redistricting Plan. (Attached as Ex. 1).²
- The Block Assignment File for the 2017 House Redistricting Plan is available at: <http://www.ncleg.net/Sessions/2017/h927maps/h927maps.html>
- The Shapefile for the 2017 House Redistricting Plan is available at: <http://www.ncleg.net/Sessions/2017/h927maps/h927maps.html>
- The “stat pack” for the 2017 House Redistricting Plan. (Attached as Ex. 2).
- Additional statistical information requested by members of the General Assembly but not considered by the House Select Committee on Redistricting in drawing the 2017 House Redistricting Plan. (Attached as Ex. 3).

II. The 2017 Senate Redistricting Plan

The new Senate districting plan was identified as Senate Bill 691 (“S691”) during consideration by the General Assembly and is now identified as Session Law 2017-207 and titled “2017 Senate Floor Redistricting Plan -4th Ed.” (hereinafter the “2017 Senate Redistricting Plan”) after final enactment on August 31, 2017.³ The following documents requested by the Court related to this plan are attached:

- A map of the 2017 Senate Redistricting Plan. (Attached as Ex. 4).⁴

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2017&BillID=H927&submitButton=Go>

² Maps of previous editions of the adopted 2017 House Redistricting Plan may be found here: <http://www.ncleg.net/Sessions/2017/h927maps/h927maps.html>

³ A link to the complete history of S691, including all amendments proposed, may be found at the link below :

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2017&BillID=S691&submitButton=Go>

⁴ Maps of previous editions of the adopted 2017 Senate Redistricting Plan may be found here: <http://www.ncleg.net/Sessions/2017/s691maps/s691maps.html>

- The Block Assignment File for the 2017 Senate Redistricting Plan is available at: <http://www.ncleg.net/Sessions/2017/s691maps/s691maps.html>
- The Shapefile for the 2017 Senate Redistricting Plan is available at: <http://www.ncleg.net/Sessions/2017/s691maps/s691maps.html>
- The “stat pack” for the 2017 Senate Redistricting Plan. (Attached as Ex. 5).
- Additional statistical information requested by members of the General Assembly but not considered by the Senate Redistricting Committee on Redistricting in drawing the 2017 House Redistricting Plan. (Attached as Ex. 6).

III. Transcripts of Committee Hearings and Floor Debates

Transcripts of all committee hearings and floor debates related to the enactment of these plans are attached and identified as:

- Exhibit 7: 7/26/17 – Joint Redistricting Committee meeting
- Exhibit 8: 8/4/17 – Joint Redistricting Committee meeting
- Exhibit 9: 8/10/17 – Joint Redistricting Committee meeting
- Exhibit 10: 8/22/17 – Public Hearing – Raleigh site
- Exhibit 11: 8/22/17 – Public Hearing – Beaufort site
- Exhibit 12: 8/22/17 – Public Hearing - Charlotte site
- Exhibit 13: 8/22/17 - Public Hearing – Fayetteville site
- Exhibit 14: 8/22/17 – Public Hearing – Hudson site
- Exhibit 15: 8/22/17 – Public Hearing – Jamestown site
- Exhibit 16: 8/22/17 – Public Hearing – Weldon site
- Exhibit: 17: 8/24/17 – Senate Redistricting Committee meeting
- Exhibit: 18: 8/25/17 – House Select Committee on Redistricting meeting
- Exhibit: 19: 8/25/17 – Senate Floor Session
- Exhibit: 20: 8/28/17 – House Floor Session
- Exhibit: 21: 8/28/17 – Senate Floor Session
- Exhibit: 22: 8/29/17 – Senate Redistricting Committee meeting
- Exhibit: 23: 8/29/17 – House Select Committee on Redistricting meeting
- Exhibit: 24: 8/30/17 – Senate Floor Session
- Exhibit: 25: 8/30/17 – House Floor Session

IV. Description of the 2017 Redistricting Process and Identification of Participants Involved

On June 27, 2017, Senate President Pro Tempore Phil Berger and House Speaker Tim Moore approved a contract with Dr. Tom Hofeller as a mapdrawing consultant for Rep. David Lewis and Sen. Ralph Hise, the forthcoming chairs of the 2017 redistricting committees in the House and the Senate. On June 30, 2017, the Senate Redistricting Committee was appointed by Sen. Berger with the following members:

- Sen. Ralph Hise, Chairman
- Sen. Dan Bishop
- Sen. Dan Blue
- Sen. Harry Brown
- Sen. Ben Clark
- Sen. Warren Daniel
- Sen. Kathy Harrington
- Sen. Brent Jackson
- Sen. Michael V. Lee
- Sen. Paul A. Lowe, Jr.
- Sen. Paul Newton
- Sen. Bill Rabon
- Sen. Erica Smith-Ingram
- Sen. Terry Van Duyn
- Sen. Trudy Wade

On June 30, 2017, the House Select Committee on Redistricting was appointed by Rep. Moore with the following members:

- Rep. David Lewis, Senior Chairman
- Rep. Nelson Dollar, Chairman
- Rep. John Bell, Vice Chairman
- Rep. Darren Jackson, Vice Chairman
- Rep. Sarah Stevens, Vice Chairman
- Rep. John Szoka, Vice Chairman
- Rep. Jon Torbett, Vice Chairman
- Rep. Bill Brawley
- Rep. Cecil Brockman

- Rep. Justin Burr
- Rep. Ted Davis
- Rep. Jimmy Dixon
- Rep. Josh Dobson
- Rep. Andy Dulin
- Rep. Jean Farmer-Butterfield
- Rep. Elmer Floyd
- Rep. Terry Garrison
- Rep. Rosa Gill
- Rep. Holly Grange
- Rep. Destin Hall
- Rep. Ed Hanes
- Rep. Jon Hardister
- Rep. Pricey Harrison
- Rep. Kelly Hastings
- Rep. Julia Howard
- Rep. Howard Hunter
- Rep. Pat Hurley
- Rep. Linda Johnson
- Rep. Bert Jones
- Rep. Jonathan Jordan
- Rep. Chris Malone
- Rep. Mickey Michaux
- Rep. Rodney Moore
- Rep. Garland Pierce
- Rep. Robert Reives
- Rep. David Rogers
- Rep. Jason Saine
- Rep. Michael Speciale
- Rep. Shelly Willingham
- Rep. Michael Wray
- Rep. Larry Yarborough

On July 26, 2017, the Senate Redistricting Committee and the House Select Committee on Redistricting met jointly for organizational and informational purposes. At that meeting, committee chairs made available to committee members information regarding 2010 Census population by county, the method of calculating ideal House and

Senate districts for population purposes, maps submitted by Common Cause for House and Senate plans, maps that reflected the county grouping formula that Common Cause used, and the opportunities that would be available for public comment on proposed redistricting plans to be considered by the committee. No votes were taken at the meeting.

On August 4, 2017, the Senate Redistricting Committee and the House Select Committee on Redistricting met jointly to discuss potential criteria to be used by the committees in drawing new House and Senate districts. The meeting included a period of public comment. Sen. Smith-Ingram proposed a list of criteria for the committees to consider. Additionally, information regarding ideal county groupings for House and Senate maps were made available to committee members as well as comparisons of the groupings used in 2011 with those proposed in 2017 for both House and Senate plans. Finally, the committees approved a policy for sharing and posting information on the General Assembly website as well as policies for access to General Assembly staff and computer terminals for the purpose of drawing districts.

On August 10, 2017, the Senate Redistricting Committee and the House Select Committee on Redistricting met jointly to adopt criteria to be used when drawing legislative districts in their respective maps. The committees separately adopted an identical set of nine criteria that would be used to draw new districts in the 2017 House and Senate Redistricting plans. Rep. Jackson, Sen. Blue, and Sen. Clark suggested criteria to be considered by the committee.

On August 11, 2017, Rep. Lewis and Sen. Hise notified Dr. Hofeller of the criteria adopted by the redistricting committees and directed him to utilize those criteria when drawing districts in the 2017 plans.

On August 19, 2017, the proposed 2017 House Redistricting map was released on the General Assembly website. On August 20, 2017, the proposed 2017 Senate Redistricting map was released on the General Assembly website. On August 21, 2017, a series of statistical information and reports were released for the proposed House and Senate Redistricting plans.

On August 22, 2017, public hearings were held in Raleigh, Beaufort, Charlotte, Fayetteville, Hudson, Jamestown, and Weldon to discuss the proposed 2017 House and Senate Redistricting plans.

On August 24, 2017, the Senate Redistricting Committee met and approved the proposed 2017 Senate Redistricting plan. Two amendments were adopted by the committee, one offered by Sen. Clark and one offered by Sen. Blue.

On August 25, 2017, the House Select Committee on Redistricting met and approved the proposed 2017 House Redistricting plan. Four amendments were offered, two by Rep. Jackson, one by Rep. Speciale, and one Rep. Hunter. One of the two amendments from Rep. Jackson, which renumbered districts 25 and 7, was accepted. The other three amendments were defeated by a vote of the committee.

On August 25, 2017, the Senate met to consider S691, the 2017 Senate Redistricting Plan. One amendment offered by Sen. Blue was adopted by the Senate. Additional amendments offered by Sen. Jeff Jackson and Sen. Blue were defeated on the

floor. Sen. Gladys Robinson offered an amendment on the floor but it was withdrawn before a vote was taken. S691 passed second reading. Third reading was objected to by Sen. Hise and the bill was held over to the next legislative day.

On August 28, 2017, the House met to consider H927, the 2017 House Redistricting Plan. An amendment offered by Rep. Larry Pittman was defeated on the floor. An amendment offered by Rep. Lewis passed related to the House districts within Wake County. The bill passed second and third reading and was sent to the Senate.

On August 28, 2017, the Senate met to consider S691 on third reading. Amendments offered by Sen. Clark and Sen. Robinson were defeated on the floor. An amendment offered by Sen. Hise to trade the numbers of Senate District 29 and Senate District 32 passed. During debate on third reading, Sen. McKissick asked for additional statistical reports including racial demographics to be added to the General Assembly website. The bill passed third reading in the Senate and was sent to the House.

On August 29, 2017, Representative Lewis asked for additional statistical information for the House plan, which members of the Democratic Party had apparently already requested and received. The information was posted on the House Select Committee on Redistricting's website. That morning the Senate Redistricting Committee met to consider H927. The committee approved the 2017 House Redistricting Plan.

On August 29, 2017, the House Select Committee on Redistricting met to consider S691. The committee approved the 2017 Senate Redistricting Plan.

On August 30, 2017, the Senate met to consider H927. No amendments were offered to the bill. The bill passed second and third readings and was ordered enrolled.

On August 30, 2017, the House met to consider S691. No amendments were offered to the bill. The bill passed second and third readings and was ordered enrolled.

On August 31, 2017, H927 was ratified in the House and became law. The same day, S691 was ratified in the Senate and became law.

V. Alternative Districting Plans Considered

Information regarding alternative districts or districting plans considered by the House Select Committee on Redistricting or on the floor of the House are attached:

- Rep. Jackson Proposed Map and Reports Considered by House Select Committee on Redistricting (Failed) (Attached as Ex. 28).⁵
- Rep. Speciale Proposed Map and Reports Considered by House Select Committee on Redistricting (Failed) (Attached as Ex. 38).
- Rep. Hunter Proposed Map and Reports Considered by House Select Committee on Redistricting (Failed) (Attached as Ex. 39).
- Amendment 1: Representative Pittman Proposed Map and Reports (Failed) (Attached as Ex. 26).
- Amendment 2: Representative Lewis Proposed Map and Reports (Passed) (Attached as Ex. 27).

Information regarding alternative districts or districting plans considered by the Senate Redistricting Committee or on the floor of the Senate are attached:

- Sen. Clark Proposed Map and Reports Considered by Senate Redistricting Committee (Passed) (Attached as Ex. 29)
- Sen. Blue Proposed Map and Reports Considered by Senate Redistricting Committee (Passed) (Attached as Ex. 30)

⁵ In introducing this proposed map, Rep. Jackson stated it was drawn by the Plaintiffs in this matter.

- Amendment 2: Sen. Blue Proposed Map and Reports Considered on Senate Floor (Passed) (Attached as Ex. 31).
- Amendment 3: Sen. Robinson Proposed Map and Reports Considered on Senate Floor (Withdrawn) (Attached as Ex. 32).
- Amendment 4: Sen. Jeff Jackson Proposed Map and Reports Considered on Senate Floor (Failed) (Attached as Ex. 33).
- Amendment 5: Sen. Blue Proposed Map and Reports Considered on Senate Floor (Failed) (Attached as Ex. 34).⁶
- Amendment 8: Sen. Robinson Proposed Map and Reports Considered on Senate Floor (Failed) (Attached as Ex. 35).
- Amendment 9: Sen. Clark Proposed Map and Reports Considered on Senate Floor (Failed) (Attached as Ex. 36).

VI. Criteria Applied in Drawing the 2017 House and Senate Districts

The set of nine criteria for drawing the new districts in the 2017 House and Senate Redistricting plans adopted by both the Senate Redistricting Committee and the House Select Committee on Redistricting on August 10, 2017 are attached as Exhibit 37. Data regarding race was not used in the drawing of districts for the 2017 House and Senate redistricting plans. No information regarding legally sufficient racially polarized voting was provided to the redistricting committees to justify the use of race in drawing districts. To the extent that any district in the 2017 House and Senate redistricting plans exceed

⁶ In introducing this proposed map, Sen. Blue stated it was drawn by the Plaintiffs in this matter.

50% BVAP, such a result was naturally occurring and the General Assembly did not conclude that the Voting Rights Act obligated it to draw any such district.

This the 7th day of September, 2017.

OGLETREE, DEAKINS, NASH
SMOAK & STEWART, P.C.

/s/ Phillip J. Strach

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CERTIFICATE OF SERVICE

I hereby certify that I, Phillip J. Strach, have served the foregoing **NOTICE OF FILING** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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This the 7th day of September, 2017.

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